

CS FOR HOUSE BILL NO. 142(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/29/22

Referred: Finance

Sponsor(s): REPRESENTATIVE MCCARTY

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to eligibility of active duty members of the uniformed services for the**
2 **permanent fund dividend; relating to the physical presence in the state requirement for**
3 **eligibility for the permanent fund dividend; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 43.23.005(a) is amended to read:

6 (a) An individual is eligible to receive one permanent fund dividend each year
7 in an amount to be determined under AS 43.23.025 if the individual

8 (1) applies to the department;

9 (2) is a state resident on the date of application;

10 (3) was a state resident during the entire qualifying year;

11 (4) has been physically present in the state for at least **168** [72]
12 consecutive hours [AT SOME TIME] during the [PRIOR] two years before the
13 current dividend year, **regardless of whether the individual is claiming an absence**
14 **under AS 43.23.008;**

- 1 (5) is
- 2 (A) a citizen of the United States;
- 3 (B) an alien lawfully admitted for permanent residence in the
- 4 United States;
- 5 (C) an alien with refugee status under federal law; or
- 6 (D) an alien that has been granted asylum under federal law;
- 7 (6) was, at all times during the qualifying year, physically present in
- 8 the state or, if absent, was absent only as allowed in AS 43.23.008; and
- 9 (7) was in compliance during the qualifying year with the military
- 10 selective service registration requirements imposed under 50 U.S.C. App. 453
- 11 (Military Selective Service Act), if those requirements were applicable to the
- 12 individual, or has come into compliance after being notified of the lack of compliance.

13 * **Sec. 2.** AS 43.23.008(a) is amended to read:

14 (a) Subject to (b) and (d) of this section, an otherwise eligible individual who

15 is absent from the state during the qualifying year remains eligible for a current year

16 permanent fund dividend if the individual is [WAS] absent

17 (1) receiving secondary or postsecondary education on a full-time

18 basis;

19 (2) receiving vocational, professional, or other specific education on a

20 full-time basis for which, as determined by the Alaska Commission on Postsecondary

21 Education, a comparable program is not reasonably available in the state;

22 (3) **because the individual is**

23 **(A) deployed or travelling on a temporary duty assignment**

24 **while** serving on active duty as a member of the **uniformed services** [ARMED

25 FORCES] of the United States; or

26 **(B)** accompanying, as **the** [THAT INDIVIDUAL'S] spouse,

27 minor dependent, or disabled dependent **of** [,] an individual who is

28 **(i) described under (A) of this paragraph** [(A)

29 SERVING ON ACTIVE DUTY AS A MEMBER OF THE ARMED

30 FORCES OF THE UNITED STATES]; and

31 **(ii)** [(B)] eligible for a current year dividend;

1 (4) serving under foreign or coastal articles of employment aboard an
2 oceangoing vessel of the United States merchant marine;

3 (5) receiving continuous medical treatment recommended by a
4 licensed physician or convalescing as recommended by the physician who treated the
5 illness if the treatment or convalescence is not based on a need for climatic change;

6 (6) providing care for a parent, spouse, sibling, child, or stepchild with
7 a critical life-threatening illness whose treatment plan, as recommended by the
8 attending physician, requires travel outside the state for treatment at a medical
9 specialty complex;

10 (7) providing care for the individual's terminally ill family member;

11 (8) settling the estate of the individual's deceased parent, spouse,
12 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

13 (9) serving as a member of the United States Congress;

14 (10) serving on the staff of a member from this state of the United
15 States Congress;

16 (11) serving as an employee of the state in a field office or other
17 location;

18 (12) accompanying a minor who is absent under (5) of this subsection;

19 (13) accompanying another eligible resident who is absent for a reason
20 permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor
21 dependent, or disabled dependent of the eligible resident;

22 (14) serving as a volunteer in the federal peace corps program;

23 (15) because of training or competing as a member of the United States
24 Olympic Team or a United States national team for an Olympic sport;

25 (16) participating for educational purposes in a student fellowship
26 sponsored by the United States Department of Education or by the United States
27 Department of State;

28 (17) for any reason consistent with the individual's intent to remain a
29 state resident, provided the absence or cumulative absences do not exceed

30 (A) 180 days in addition to any absence or cumulative absences
31 claimed under (3) of this subsection if the individual is not claiming an absence

under (1), (2), or (4) - (16) of this subsection;

(B) 120 days in addition to any absence or cumulative absences claimed under (1) - (3) of this subsection if the individual is not claiming an absence under (4) - (16) of this subsection but is claiming an absence under (1) or (2) of this subsection; or

(C) 45 days in addition to any absence or cumulative absences claimed under (1) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

* **Sec. 3.** AS 43.23.008(f) is amended to read:

(f) In [FOR PURPOSES OF (a)(7) OF] this section,

(1) "family member" means a person who is

(A) [(1)] legally related to the individual through marriage or guardianship; or

(B) [(2)] the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin;

(2) "uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, and the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Services.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 43.23.005(a), as amended by sec. 1 of this Act, AS 43.23.008(a), as amended by sec. 2 of this Act, and AS 43.23.008(f), as amended by sec. 3 of this Act, apply to the permanent fund dividend 2023 qualifying year for the 2024 dividend year and thereafter.

* **Sec. 5.** This Act takes effect January 1, 2023.